

Planning Commission Hearing

Minutes

May 9, 2011

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Meta Nash Alderman Russell Elisabeth Fetting Gary Brooks	Josh Bokee	Gabrielle Dunn-Division Manager for Current Planning Brandon Mark-City Planner Jeff Love-City Planner Pam Reppert-City Planner Devon Hahn-City Traffic Engineer Scott Waxter-Assistant City Attorney Carreanne Eyler-Administrative Assistant

•I. **Announcements:**

II. **Approval of Minutes:**

Approval of the **April 11, 2011** Planning Commission Minutes as amended:

MOTION: Alderman Russell.

SECOND: Commissioner Brooks.

VOTE: 3-0. (Commissioner Fetting abstained.)

Approval of the **April 18, 2011** Planning Commission Minutes as amended:

MOTION: Commissioner Brooks.

SECOND: Commissioner Fetting.

VOTE: 4-0.

Approval of the **May 6, 2011** Pre-planning Commission Minutes as amended:

MOTION: Commissioner Brooks.

SECOND: Commissioner Fetting.

VOTE: 4-0.

III. Public Hearing-Swearing In:

"Do you solemnly swear or affirm that the responses given and statements made in this hearing before the Planning Commission will be the whole truth and nothing but the truth." If so, answer "I do".

-

IV. Public Hearing-Consent Items:

-

(All matters included under the Consent Agenda are considered to be routine by the Planning Commission. They will be enacted by one motion in the form listed below, without separate discussion of each item, unless any person present - Planning Commissioner, Planning Staff or citizen -- requests an item or items to be removed from the Consent Agenda. Any item removed from the Consent Agenda will be considered separately at the end of the Consent Agenda. If you would like any of the items below considered separately, please say so when the Planning Commission Chairman announces the Consent Agenda.)

-

V. MISCELLANEOUS:

-

•A. PC07-516FSI-Final Site Plan-McCutcheon's Mill

-

PLANNING COMMISSION ACTION:

-

MOTION: Commissioner Brooks moved to approve the 2 year extension of the conditions for final site plan approval for PC07-516FSI.

SECOND: Commissioner Fetting.

VOTE: 4-0.

•B. PC08-003FSI-Final Site Plan-Homewood

-

PLANNING COMMISSION ACTION:

-

MOTION: Commissioner Brooks moved to approve the 1 year extension of the conditions for final site plan approval for PC08-003FSI.

SECOND: Commissioner Fetting.

VOTE: 4-0.

VI. OLD BUSINESS:

-

•C. PC11-104ZMA-Zoning Map Amendment-Frederick Alliance for Youth-Hillcrest

-

INTRODUCTION OF CASE BY THE PLANNING STAFF:

-

Mr. Love entered the entire staff report into the record. He stated that the Applicant is requesting approval of a zoning map amendment to apply the Institutional (IST) floating district to the subject property to allow for the development of a *recreation, social services center* for the Frederick Alliance for Youth as well as *school* (charter school) use. The subject property is located on the west side of Hillcrest Drive just east of the Hillcrest Commons Hope VI project and is zoned General Commercial (GC).

This is the first of two required public hearings. This case was continued by the Planning Commission at the April 11, 2011 hearing.

INITIAL PLANNING STAFF RECOMMENDATION:

This is the first of two hearings and as such, no action is required at this time.

PLANNING COMMISSION QUESTIONING OF STAFF:

Commissioner Nash stated that she would like to have discussion about removing the floating zone. The process by which we remove it because it is based strictly on the use and that certain use leaves the IST zone does not float away with it so it is incumbent upon the person who will redevelop the property to the pay fee and to through the whole process to remove an IST floating zone on this property.

Mrs. Dunn stated that one of the deficiencies that we have recognized with this IST floating zone is that a lot of floating zones are used for master plan communities where a PND or TND become a floating zone and it's applied it doesn't go anywhere. She added that are no legal standards for how this should be removed and we have worked with legal staff trying to find examples around the country when floating zones are removed and because of the nature of what

most of them apply to there are really not a lot of ideas to go from. Mrs. Dunn said that they have looked at ways to make the process a little less cumbersome.

Commissioner Nash stated that on at the field trip meeting on Friday, May 6, 2011 it was discussed that there will be a traffic study required so it is given that the traffic generated by this use may not be anything similar to the previously approved commercial use.

Mr. Love replied that is correct. He stated the applicant has submitted for final site plan and the traffic study will be reviewed as part of that process to determine its impacts and improvements that could be necessary.

PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY:

-

Mr. Steve Oder, Cavalier Development Consultants, concurred with the staff report.

PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

-

There was no questioning of the petitioner/applicant from the Planning Commission.

PUBLIC COMMENT:

-

There was no public comment.

PETITIONER REBUTTAL:

-

There was no petitioner rebuttal.

PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:

-

There was no discussion or questions for staff from the Planning Commission.

RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:

-

There were no restatement/revisions from Planning staff.

PLANNING COMMISSION ACTION:

-

This is the first of two public hearings and as such, no action is required at this time.

-

VII. NEW BUSINESS:

•D. PC11-180ZTA-Zoning Text Amendment-Permitted Districts for Schools, public/private and Recreation and Social Services Centers

-

INTRODUCTION OF CASE BY THE PLANNING STAFF:

-

-

Mr. Mark entered the entire staff report into the record. He stated that the Applicant, Monocacy Montessori Communities, Inc. (MMCI), is proposing a text amendment to permit "Recreation, Social Service Centers" and "Schools, Public/Private" in the General Commercial (GC), Light industrial (M1), Downtown Commercial/residential (DB), and the Mixed Use Employment (MXE) zoning districts. Currently recreation, social service centers are permitted in the IST and PRK districts and schools, public/private, are permitted in the MO and IST districts.

INITIAL PLANNING STAFF RECOMMENDATION:

Staff supports a positive recommendation to the Mayor and Board of Aldermen for the amendment to permit "Recreation, Social Service Center" and "Schools, Public/Private" in the GC and DB zoning district.

Staff does not support a positive recommendation to the mayor and Board of Aldermen for the amendment to permit "Recreation, Social Service Center" and "Schools, Public/Private" in the M1 and MXE zoning district. However, Staff will support a positive recommendation to the Mayor and Board of aldermen for an amendment to permit "Recreation, Social Service Center" in the MO Zoning district.

PLANNING COMMISSION QUESTIONING OF STAFF:

There was no questioning of staff from the Planning Commission.

PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY:

-

Ms. Kim Standing-Monocacy Montessori Communities concurred with the staff report.

PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

-

Commissioner Brooks asked if the applicant was still requesting the MXE, M1 & MO.

Ms. Standing replied that they are fine with adding only GC and DB.

Mrs. Dunn commented that they had looked at the M1 with both this use and the previous use of an indoor recreation complex that we did a text amendment for. She feels the range of possibilities in the M1 district just seem to pose potential conflict while some M1 areas are benign and office park like and this might be an appropriate use there. Mrs. Dunn added that we also looked at what other potential uses could be in M1 and identify there could be conflicts.

Commission Nash stated that she feels the definition is a bit confusing and in the workshop staff report it said the use of school public/private is self explanatory and includes those facilities operated by FCPS or other private entity. It should be noted that colleges and universities such as Hood and FCC would not be considered nor would trade schools or training centers. She added that she doesn't understand the rational between the different categories.

Mrs. Dunn stated that from university and college perspective the function of those uses are different. With regards to the vo-tech and trade schools we do all them in M1 because they might be more trade oriented. They are a totally different category and they are permitted in M1.

PUBLIC COMMENT:

-

There was no public comment.

PETITIONER REBUTTAL:

-

There was no petitioner rebuttal.

PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:

-

There was no discussion or questions for staff from the Planning Commission.

RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:

-

There were no restatement/revisions from Planning staff.

PLANNING COMMISSION ACTION:

-

MOTION: Commissioner Brooks moved for a positive recommendation to the Mayor and Board of Aldermen for PC11-180ZTA by adding DB and GC as read into the record by staff and adding "Recreation, Social Service Center" to the MO.

DISCUSSION: Commissioner Fetting questioned that if this is approved by the Planning Commission and the Mayor and Board the applicant would still need a site plan and the school would have to fit in and work from a land use perspective. Mrs. Dunn responded correct. She added that if a tenant was coming to look at a vacated site then what we look at is the new use compared to the existing place and if it complies with the parking standards and those requirements to fit in the place. If it doesn't and site changes need to be made then the applicant would come through a site plan process. She stated that if the development is fit to support the use and complies with the code then they can do that through a zoning permit.

SECOND: Commissioner Fetting.

VOTE: 4-0.

-

•E. **PC11-045FSI-Final Site Plan-FCC Enrollment Building**

-

INTRODUCTION OF CASE BY THE PLANNING STAFF:

-

Mr. Love entered the entire staff report into the record. He stated that the Applicant is requesting final site plan approval for the construction of a three-story 24,027 sf Enrollment Services building.

The applicant is also requesting a modification to the required number of bicycle parking spaces per §607, Table 607-1 of the Land management Code (LMD).

INITIAL PLANNING STAFF RECOMMENDATION:

Staff recommended approval of a modification to Table 607-1 for a reduction of six (6) of the required 12 bicycle parking spaces required based on the following:

1. The Applicant has provided six (6) bicycle parking spaces to serve the project.
2. The number of available bicycle spaces already on campus.

Staff also recommended approval of final site plan PC11-45FSI with the following conditions:

To be met in less than 60 days:

- 1. Update not 6 to include the final site plan PC10-453FSI approval date (March 14, 2011) and to state, "The new parking facilities will have to be constructed and receive a certificate of occupancy prior to the issuance of a certificate of occupancy for the Enrollment Services Building."
- 2. Revise not 16 to state:
 - a. The trip generation cap is 913 trips per acre.
 - b. Non-structural SWM practices exceed the 5% minimum.
- 3. Remove note 21.
- 4. Relocate the proposed fire hydrant 20' to the north of the currently proposed location.

PLANNING COMMISSION QUESTIONING OF STAFF:

There was no questioning of staff from the Planning Commission.

PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY:

-

Mr. Fran Zeller, Harris, Smariga & Associates, concurred with the staff report.

PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

-

Commissioner Brooks asked that if more citizens begin bicycling would the college consider adding more bicycle racks.

Mr. Sam Young, Director of facilities at FCC, replied yes and indicated that the college constantly follows the recommendations and needs of students and staff.

PUBLIC COMMENT:

-

There was no public comment.

PETITIONER REBUTTAL:

-

There was no petitioner rebuttal.

PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:

-

There was no discussion or questions for staff from the Planning Commission.

RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:

-

There were no restatement/revisions from Planning staff.

PLANNING COMMISSION ACTION TABLE 607-1:

-

MOTION: Commissioner Brooks recommended approval of modification to Table 607-1 for a reduction of 6 of the required 12 bicycle parking spaces as read into the record by staff for PC11-045FSI.

DISCUSSION: Commissioner Fetting

VOTE: 4-0.

-

•F. **PC11-042FSI-Final Site Plan-Aspen Ridge**

-

INTRODUCTION OF CASE BY THE PLANNING STAFF:

-

Ms. Reppert entered the entire staff report into the record. She stated that the Applicant is requesting approval of a final site plan to construct three medical buildings containing approximately 97,861 s.f. on Lot 1B off of Thomas Johnson Drive.

The Applicant is also requesting the following modifications to the Land Management Code (LMD)

- 1) To Section 601(e)(2) for the required minimum number of access points to allow two access points onto Thomas Johnson Drive in lieu of a cross access connection to an adjoining property.
- 2) To Section 607(b), Table 607-1 to exceed the maximum number of parking spaces permitted for Phases I and II construction.
- 3) To Section 607(g)(2) for the loading space requirement to provide three 9' x 19' loading spaces as opposed to the one required 12'x 50' loading space.

INITIAL PLANNING STAFF RECOMMENDATION:

Staff recommends approval for the following three modifications:

- 1) Section 601€(2) for the required minimum number of access points to allow two access points onto Thomas Johnson Drive instead of having cross access connections between adjoining properties based on the area topographical constraints and the provision of a cross access easement on the subject site for future connection to Lot 1A.

- 2) Section 607(b) Table 607-1 to exceed the maximum number of parking spaces permitted for Phases I and II construction, based on reasonable construction for traffic circulation.
- 3) Section 607(g)(2) for the loading space requirements to replace the required one 12' x 50' loading space with three 9' x 18' loading areas, based on the type of tenants and their delivery needs.

Staff recommends approval of the final site plan PC11-42FSI for the Aspen Ridge development, with the following conditions to be met:

In Less than 60 Days:

1. Substitute the Foster Holley trees along the south property line with another evergreen to be approved by Allegheny Power.
2. Replace the Tulip tree with two different trees from the City Street List.
3. Add a note that the City Arborist has the final approval of the street tree species along the public right of way.
4. Address Technical Corrections 1-8 above in the staff report.

In greater than 60 days and less than one year:

1. Engineering must approve the Thomas Johnson Drive road improvements to be shown on the final site plan, including the phasing of the improvements, in accordance with the Provisional APFO Road Certificate.
2. The proposed future cross access easement to Lot 1A shall be recorded and the recording reference added to the plan.
3. Make corrections to the Phase I archeological Report and submit two (2) copies to the Planning Department and two (2) copies to the Maryland State Historical Trust.
4. Planning and Engineering Departments granted authority to approve the final phasing plan and details as applicable.

PLANNING COMMISSION QUESTIONING OF STAFF:

Commissioner Fetting questioned if Transit has seen this plan? Would this site be a good place to put a bus stop and shelter on TJ Drive?

Ms. Reppert replied we had asked them to show the closest bus locations and believe it is included in the vicinity plan and there are 2 stops one on either side of the property.

Commissioner Brooks asked Mrs. Han if she is okay with the change the applicant has made.

Mrs. Hahn replied that she doesn't foresee any immediate changes with what they have shown and have made improvements from the initial plan.

Alderman Russell asked about the contribution towards the intersection improvements and if that money can be used to purchase right-of-way as part of the intersection improvements.

Mrs. Hahn stated that the wording from the APFO states they have to contribute approximately \$255,000 towards the Opossumtown/TJ CIP improvements but not sure if that limits whether it can go to right-of-way or not.

Ms. Reppert commented that thinks it would depend upon how the CIP is written for the scope of work.

Ms. Hahn stated that the land acquisition cost was included in the total amount of the CIP.

PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY:

-

Mr. Mark Friis-Rodgers Consulting concurred with the staff report.

PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

-

Commissioner Brooks stated that at workshop that the applicant stated that they were willing to stripe all of TJ Drive to get this through and is a little disappointed. He understands that it is not necessary.

Mr. Frie's stated that at that time were not going to be taking such a substantial cost in the deceleration lane. We go and start taking out existing curb and gutter, it will have implications with storm drain, utilities etc...that is a major improvement and this is going to cost us more than we anticipated.

PUBLIC COMMENT:

-

Mr. Rick Stup resides at 199 Fairfield Drive-representing the Amber meadows Home Owners' Association testified. Mr. Stup stated that the community supports this project and would like to see move forward.

PETITIONER REBUTTAL:

-

There was no petitioner rebuttal.

PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:

-

There was no discussion or questions for staff from the Planning Commission.

RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:

-

In Less than 60 Days:

1. Substitute the Foster Holley trees along the south property line with another evergreen to be approved by Allegheny Power.
2. Replace the Tulip tree with two different trees from the City Street List.
3. Add a note that the City Arborist has the final approval of the street tree species along the public right of way.
4. Address Technical Corrections 1-8 above in the staff report.

In greater than 60 days and less than one year:

1. Engineering must approve the Thomas Johnson Drive road improvements to be shown on the final site plan, including the phasing of the improvements, in accordance with the Provisional APFO Road Certificate.
2. The proposed future cross access easement to Lot 1A shall be recorded and the recording reference added to the plan.
3. Make corrections to the Phase I archeological Report and submit two (2) copies to the Planning Department and two (2) copies to the Maryland State Historical Trust.
4. Planning and Engineering Departments granted authority to approve the final phasing plan and details as applicable.

Planning Commission also approved with a 4-0 vote the following modifications.

- 1) Section 601€(2) for the required minimum number of access points to allow two access points onto Thomas Johnson Drive instead of having cross access connections between adjoining properties based on the area topographical constraints and the provision of a cross access easement on the subject site for future connection to Lot 1A.
- 2) Section 607(b) Table 607-1 to exceed the maximum number of parking spaces permitted for Phases I and II construction for reasonable build out for traffic circulation, in lieu of the right turn deceleration lane requirement in Phase I.
- 3) Section 607(g)(2) for the loading space requirements to replace the required one 12'x50' loading space with three 9' x 18' loading areas, based on the type of tenants and their delivery needs.

-

PLANNING COMMISSION ACTION MODIFICATIONS:

-

MOTION: Commissioner Brooks moved to make a positive recommendation for approval of the 3 modification as read into the record for PC-11042FSI.

DISCUSSION: Commissioner Fetting

VOTE: 4-0.

-

PLANNING COMMISSION ACTION FINAL SITE PLAN PC11-042FSI:

-

MOTION: Commissioner Brooks moved to approve final site plan PC11-042FSI with the 4 conditions to be in less than 60 days and the 4 conditions to be met in greater than 60 days and less than 1 year as read into the record by staff.

DISCUSSION: Commissioner Fetting.

VOTE: 4-0.

-

Meeting adjourned at 7:00 P.M.

Respectfully Submitted,

Carreanne Eyler

Administrative Assistant